

**HOTELS/MOTELS: COMMONLY ASKED
QUESTIONS ABOUT ABC LAW**

Q1. How old must an employee be in order to stock controlled access cabinets?

- A. Employees must be 21 years of age or older in order to restock or inventory the alcoholic beverages in a liquor cabinet (Section 23355.2(b)(3) Business & Professions Code).

Q2. May alcoholic beverages be sold or served to a guest in his or her room between 2 a.m. and 6 a.m.?

- A. It is illegal to *sell, furnish or permit consumption* of alcoholic beverages by guests between 2:00 a.m. and 6:00 a.m. This includes sales or service to guests *in their rooms, and the restocking of the controlled access cabinet*. If the hotel has the ability to program a cabinet to lock and unlock between these hours, they must be kept locked. If the hotel cannot program the cabinets to lock, they must make every effort to advise their guests of the law and ask them to comply (Sections 25631, 25632 and 23355.2(b)(4) Business & Professions Code).

Q3. Are hotel employees expected to monitor what a guest does in their hotel room?

- A. ABC recognizes that a licensee cannot normally monitor what a guest does in a hotel room (right of privacy laws, etc.), but hotel employees are not permitted to *knowingly* allow unlawful sales to be made. ABC will be reasonable in enforcing this provision.

Q4. What should be done about a group of minors consuming alcoholic beverages in a room?

- A. Hotel management will be responsible for permitting violations of the law; e.g., if a group of minors are consuming alcoholic beverages in a room with access to a controlled access cabinet, security should be called upon to remove the alcoholic beverages or minors.

Q5. What can hotel employees do to prevent minors and obviously intoxicated guests from consuming alcoholic beverages in their rooms?

- A. A key to a controlled access cabinet can only be given to a guest who is 21 years of age or older and not obviously intoxicated. Rooms with unlocked cabinets cannot be rented to a minor or an obviously intoxicated guest.

Q6. What can happen if a hotel employee serves a minor?

- A. The employee may be arrested and face a minimum \$250 fine and/or 24 to 32 hours of community service. A second or subsequent offense can result in a maximum \$500 fine and/or 36-48 hours of community service (Sections 25658(a) and 25658(e)(1) Business & Professions Code).



Q7 What can happen if a hotel employee serves an obviously intoxicated person?

- A. The employee may be arrested and face a maximum \$1,000 fine and/or six months county jail (Sections 25602(a) and 25617 Business & Professions Code).

Q8. What can happen to the hotel's ABC license if employees violate the law?

- A. Under California law, licensees are liable for the acts of their employees. Violations by managers and employees could result in disciplinary action against the hotel's ABC license: a fine of \$750 to \$6,000, suspension or revocation of the license. For the employee, a suspension of the ABC license could mean a lay off during that time. In many cases the employee who causes the ABC license to be disciplined is also fired.

Q9. What about banquets with an open bar? Are hotel employees still responsible for minors and obviously intoxicated guests being served?

- A. Yes. Hotel employees are still responsible. It is a good idea to let groups know *before an event* that laws will be strictly enforced.

Q10. Can a hotel employee sell an alcoholic beverage to a guest at 1:55 a.m. for consumption in the guest's room?

- A. Technically, yes. However, by doing this the employee is encouraging consumption after 2:00 a.m. It is illegal to permit consumption of alcoholic beverages between 2:00 a.m. and 6:00 a.m.

Q11. Can a 16 year old serve beer or other alcoholic beverages to a guest in their room?

- A. No. The law requires that the employee be 21 years of age or older (Sections 25663 and 25667 Business & Professions Code).

Q12. Can a minor employee deliver alcoholic beverages to a catered event at a location away from the hotel?

- A. Yes, provided that the minor is not involved in the sale of the alcoholic beverages. Any person under 21 years of age may make a delivery of an alcoholic beverage in pursuance of his or her employment (Section 25662(a) Business & Professions Code).

Q13. What should a hotel employee do if they encounter a youthful-appearing person in possession of an alcoholic beverage on hotel property?

- A. The employee should ask the person for identification. If the person is underage, the employee should seize the alcoholic beverage and advise the person that it is against the law (Section 25662(a) Business & Professions Code).

Q14. Could this affect the hotel's ABC license?

- A. Yes. Permitting possession or consumption of an alcoholic beverage by a minor is a violation of the ABC Act. Minors who are in possession of alcoholic beverages are subject to criminal penalties. Employees who fail to take action to prevent such violations place the hotel's license at risk (i.e., suspension, revocation or fines ranging from \$750 to \$6,000).

Q15. What about parents who furnish alcohol to their underage children?

- A. It is against the law for any person, including a minor's parent, to furnish alcoholic beverages to an underage person, and ABC may file disciplinary action against establishments who permit this to occur (Section 25658(a) Business & Professions Code).

Q16. What can happen to minors who purchase or consume an alcoholic beverage?

- A. The criminal penalty for a first offense is a \$250 fine and/or 24 to 32 hours of community service. A second or subsequent offense is punishable by a maximum \$500 fine and/or 36-48 hours of community service. It is an infraction for a minor to *attempt* to purchase an alcoholic beverage. The penalty for attempting to purchase is a maximum \$100 fine and/or 24-32 hours of community service; for the second offense, a maximum \$250 fine and/or 36-48 hours of community service (Sections 25658(b), 25658(e)(1) and 25658.5 Business & Professions Code).

Q17. What else can happen to minors who violate alcohol laws?

- A. A person between the ages of 13 and 21 who is convicted of certain alcohol or drug related crimes receives a one-year suspension of their driving privilege or a one-year delay in receiving a driver's license if the person does not yet drive. These crimes include, but are not limited to, an attempt to purchase an alcoholic beverage, purchase of an alcoholic beverage, possession or use of false identification, driving under the influence (DUI) or riding a bicycle under the influence (Section 13202.5 Vehicle Code).

Q18. Where may underage guests legally be present in the hotel?

- A. Minors may be present anywhere on hotel property except those areas which are designated for persons 21 years of age or older. These areas must be posted with signs stating, "No Persons Under 21 Allowed" (Sections 23039 and 25665 Business & Professions Code and Rule 107 California Code of Regulations).

Q19. What should a hotel employee do if they encounter a guest in possession of an alcoholic beverage after 2:00 a.m.?

- A. If it is an open container, the hotel employee should inform the guest in a courteous, but firm manner that it is against the law for the hotel to *permit consumption* after 2:00 a.m. If it is a closed container, there is no violation of law. There is no law which prohibits a person 21 years of age or older to *possess* alcoholic beverages after 2:00 a.m.